

Act. This man had a wife who was about six months pregnant. They chose to opt out of the Medical Malpractice Act. They have that right under the act. They have the right to opt out of that act. They don't want to be covered by it. They don't feel it is fair. It was one of the provisions that was put in this bill to hopefully keep it, make it a little more constitutional. I don't think it did, but that was one of the provisions that any individual, any citizen of this State of Nebraska can opt out of this act. Well, they opted out of the act and they went to their doctor and their doctor said, you have opted out of the Medical Malpractice Act, we can't treat you. We can't treat your one year old who has a fever of 104 degrees because you have opted out of the Medical Malpractice Act, even though the law says they have a right to opt out of that act. But the doctor would not treat them. The wife, six months pregnant, could not receive medical care in this state even though the law says they have the right to opt out of that act. So you can talk about special interest groups all you want. You can talk about special interest groups sitting down, working out the details and the problems with this bill but that does not, it does not alleviate the fact that human beings are affected by this act and adversely affected. Their rights are abrogated by this act. I have handed out some letters from people. Senator Johnson, Senator Lowell Johnson particularly might be interested in a letter signed by, I don't know, fifty, sixty people from Fremont. Let me just read it. It is very, very brief and it is signed by fifty or sixty people from that area. It says: "Our community recently experienced the loss of a five year old child. This child died as a result of the medical care he received during and in the hours following a tonsillectomy, a tonsillectomy. Should this happen again," they ask, "what does the present 1976 act do other than serve as a barrier and/or impede rightful claims? We support changes in the present '76 act and want you to consider the proposals of LB 704 and 894," which were the two medical malpractice bills that I introduced that were killed by the Banking, Commerce and Insurance Committee and probably killed by the Nebraska Medical Association. I have some amendments. I have some amendments and I am going to explain them to you now. They do not rectify all of the problems with this act.